



Prosecuting Attorneys Association of Michigan

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P.O. Box 30036

Lansing, MI 48909-7536

December 9, 2014

RE: House Bills 4441-4446

Dear Chairman Jones,

The Prosecuting Attorneys Association of Michigan (PAAM), supports House Bills 4441-4446, which would amend Michigan's statutes for operating a watercraft, snowmobile, or off-road vehicle (ORV) to mirror our driving laws, and more closely align us with the majority of the nation. With your help, Michigan citizens will feel safer, and will be safer, while enjoying these recreational activities.

In recent years, Michigan legislators have wisely reduced the blood alcohol threshold for roadway intoxication from .10 to .08 [See MCL 257.625(1) et. seq]. This has provided law enforcement, prosecutors and judges with more effective tools to protect the public from roadway drunk/drugged driving injuries and death.

These bi-partisan bills would synchronize Michigan's marine, snowmobile and ORV laws with our roadway drunk/drugged driving laws. Public safety and the lives of victims impacted by an intoxicated boater, snowmobiler or ORV operator should be just as important as public safety on our highways.

Operators of boats, snowmobiles, and ORVs often operate over vast, unmarked expanses with frequent visible and hidden physical obstructions. There are uncertain surfaces, limited or no stop signs, and no speed limits or traffic signals. When crashes occur, those in need often find themselves in remote areas which aren't easily accessible to emergency responders. Snowmobiles, ORV's and boats do not provide the same degree of protection as that of a car or other highway vehicle. Use of alcohol and drugs while operating machines increases the risks to public safety.

The lack of synchronization of our operating while intoxicated laws has negatively impacted multiple families. Two specific examples can be found on the attachment to this letter. In these instances, law enforcement had fewer tools to

cc: Honorable Steve Bieda, Honorable Tory Rocca, Honorable Tonya Schuitmaker

address the tragedies simply because our drunk driving laws have not been synchronized. The tragic message echoed by the survivors is that the life of their loved one did not appear to be valued in the same way as a life on a highway.

Passage of these bills ensures that in tragic situations where a boater, snowmobiler or ORV operator with an alcohol level of .08 or .09 kills or injures another, the same law enforcement tools that are available on Michigan's roadways will be available in these situations.

PAAM urges your colleagues' support of House Bills 4441-4446. These bills will decrease the amount of victims and family members that lose loved ones, and make Michigan a safer, better place. As respected lawmakers in Michigan, I thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victor A. Fitz".

Victor A. Fitz
Cass County Prosecutor
President, PAAM

HOUSE BILLS 4441-4446

Ryan Zelinski

The Ryan Zelinski tragedy occurred on August 20th, 2005 in Cass County, Mi.

On that date, the inconsistency in Michigan law became extremely personal to Joseph and Lisa Zielinski. Their seven-year-old son Ryan was killed when a boater who had been drinking throughout the day crashed his wave runner into Ryan at a high speed, killing the little boy instantly.

The defendant had a .08 blood alcohol level.

Had the incident occurred on a roadway, Ryan's killer could have faced the 15-year felony of operating a motor vehicle on a roadway with an unlawful blood alcohol level of .08 or more [MCL 257.625(4)(a)]. But because Ryan's life was taken on the waterways--where the threshold remains .10 [see MCL 324.80176(4)]-----a charge of operating a watercraft with an unlawful blood alcohol level causing death was not available.

The message sent was that a life taken by a drunk person on the water is less important than a life taken by a drunk person on the roadway.

The surviving relatives and friends of Ryan Zelinski support these bills.

Chad Rhoades

On August 5th, 2008, in St. Clair County, Mi., a drunk boater crashed his craft into a seawall, killing teenager Chad Rhoades.

Rhoades was thrown from the boat when it hit a seawall. He died while receiving treatment at a local hospital. Chad had been active in Algonac High School football and was a writer for his school's newspaper.

Blood tests confirmed that the defendant had a blood alcohol level of .08.

Because Chad's life was taken on the waterways----where the threshold remains .10 [see MCL 324.80176(4)]-----a charge of operating a watercraft with an unlawful blood alcohol level causing death was not available.

The surviving relatives and friends of Chad Rhoades support these bills.

The Elkhart Truth

Students reminded of drinking and driving

Dee Bourdon

Posted on April 28, 2006 at 1:00 a.m. | Updated on April 28, 2006 at 4:45 a.m.

EDWARDSBURG -- It was about choices we make and the consequences of those choices Edwardsburg High School students in Jeff Kozinski's civics class listened quietly Thursday as Cass County Prosecutor Victor Fitz recounted the human side of two drunken-driving statistics.

The September 2003 hit-and-run death of 20-year-old Melissa Schrader and the watercraft death last summer of 7-year-old Ryan Zielinski were relived as Fitz passed around family pictures of the victims.

Edwardsburg has its prom tonight and Fitz was on hand to remind the students that they do have choices.

"Two different things," he said. "Drinking and driving -- and those two different things should never cross."

The watercraft death resulted in a two-year felony sentence for Brandon Cripe and the hit-and-run death resulted in a 4 1/2-to-15-year prison term for Delbert Jennings.

Cripe admitted to driving a personal watercraft in a reckless fashion on Donnell Lake, when the watercraft collided with Ryan's raft in August 2005.

Fitz said that not only did Jennings make a bad decision, none of his friends tried to stop him from driving. A group had been tailgating at a football game earlier in the day.

"In drinking and driving accidents, usually the person killed is not the drunk driver," he said.

Fitz handed out key chains with a picture of either Ryan or Melissa, telling the kids they could select their own picture to put in there to remind them of the consequences of the choices they make.

